

NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT
TO THE JOINT SECRETARY, OFFICE OF THE SECRETARY OF STATE
PROFESSIONAL LICENSING BOARDS, CHAPTER 295-15, *INACTIVE STATUS
LICENSES*, RULE 295-15-.01 *STATE EXAMINING BOARDS INACTIVE STATUS
LICENSES. AMENDED.*, AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Joint Secretary, proposes amendments to the Rules of the Joint Secretary, State Examining Boards, Chapter 295-15, Inactive Status Licenses (hereinafter "proposed rule amendments"). The proposed rule amendments include revisions to Rule 295-15-.01. The Joint Secretary voted to post this notice of adoption and hearing on April 16, 2012.

The proposed rule amendment updates the current rule language to clarify license types eligible for inactive status, include a new time frame for reactivation of an inactive status license and removes outdated language.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:30 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Professional Licensing Board's web page at <http://www.sos.ga.gov/plb/counselors>. Copies may also be requested by contacting the Professional Licensing Board office at 478-207-2440.

A public hearing will be held at 9:00 a.m. on June 8, 2012 at the office of the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule amendment. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information for the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:30 p.m.) on June 1, 2012. Written comments should be addressed to Lisa W. Durden, Division Director, Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1363

The proposed rule amendments will be considered for adoption by the Division Director at her meeting on June 8, 2012 scheduled to begin at 9:05 a.m. at the office of the

Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia. The Division Director has the authority to adopt the proposed rule amendments pursuant to authority contained in O.C.G.A. §§ 43-1-22.

The Division Director will consider at this meeting on April 16, 2012 whether the formulation and adoption of this proposed rule amendment imposes excessive regulatory costs on any licensee or entity and whether any cost to comply with the proposed rule amendment could be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-22.

Additionally, at this meeting on April 16, 2012, the Division Director considered whether it is legal or feasible in meeting the objectives of O.C.G.A. §§ 43-1-22 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The Division Director considered whether the formulation and adoption of this proposed rule amendment will impact every licensee in the same manner when small businesses are independently owned and operated and not dominant in the fields regulated.

For further information, contact the Professional Licensing Board office at 478-207-1300.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 18th day of April, 2012.

Lisa W. Durden
Division Director
Professional Licensing Boards

Posted April 18, 2012

**SYNOPSIS OF PROPOSED REVISIONS TO THE
RULES OF THE JOINT SECRETARY, STATE EXAMINING BOARDS
RULE 295-15-.01 State Examining Boards Inactive Status Licenses. Amended.**

Purpose: The proposed rule amendment updates the current rule language to clarify which license types may be requested to go on inactive status, to include a new time frame for reactivation of an inactive status license, and removes outdated language.

Main Features: Clarification that associate level licenses cannot be placed on inactive status, changing the timeframe to reactivate an inactive status from six years to five years and removal of outdated, unnecessary language.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE
RULES OF THE JOINT SECRETARY, STATE EXAMINING BOARDS
RULE 295-15-.01 State Examining Boards Inactive Status Licenses. Amended.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

295-15-.01 State Examining Boards Inactive Status Licenses. Amended.

Prior to revocation for non-renewal of a license as defined in O.C.G.A. 43-1-19(1), licensees of these Professional Licensing Boards may apply for inactive licensure status in accordance with the following provisions:

(a) Georgia Board of Dentistry.

1. A licensee who has retired from the active practice of dentistry or dental hygiene; or who has become disabled may apply to the Board for inactive status by submitting the required application and paying the proper fee.
2. A licensee granted inactive status is exempt from the payment of the biennial renewal fee.
3. An inactive licensee may not practice dentistry in this State.
4. An inactive license may be restored by filing the proper application; approval and reactivation fee to be determined by the Board.

(b) Georgia State Board of Nursing Home Administrators.

1. A licensee who holds a current license and who is not practicing as a nursing home administrator may place that license into an “inactive status” upon written application to the Board and payment of an inactive status fee. Any licensee whose license has been placed on inactive status may not engage in the practice of nursing home administration.
2. A licensee whose license is on an inactive status who wishes to “reactivate” that license may do so by making application to the Board at least forty-five (45) days prior to the next regularly scheduled Board meeting. The applicant must attach proof of having completed twenty-five (25) hours of acceptable continuing education credits within one (1) year of making written application for license reactivation. A reactivation fee must accompany the application.

(c) State Board of Examiners of Psychologists.

1. A licensee who holds a current license and who is not using the title “psychologist” and is not practicing psychology in the State of Georgia may apply for Inactive Status by completing an Application for Inactive Status and submitting the appropriate fee. (See Fee Schedule). A licensee may not use their license in the State of Georgia while that license is on Inactive Status. See O.C.G.A. 43-19-18.

2. A licensee who wishes to reactivate an inactive license must submit a Reactivation Application; appropriate fee; and documentation of 40 hours of continuing education activities, which were attained within two years of the filing of the Application. (See Fee Schedule and Continuing Education Rule Chapter 510-7).

(d) Georgia State Board of Pharmacy. Pharmacists who wish to retain their license but do not want to meet the continuing education requirements may apply for an “inactive license” by completing the appropriate form. Pharmacists holding an “inactive license” may not practice. To re-establish active status, the pharmacist must request reinstatement to active status in writing, complete 15 hours of continuing education, and pay all back fees. During the initial biennium, he must complete the same hours of continuing education as an initial licensee. (See Regulation 480-4-.06(a)(4).

(e) Georgia State Board of Veterinary Medicine. Veterinarians who wish to retain their license but do not want to meet the continuing education requirements may apply for an “inactive license” by completing the appropriate form. Veterinarians holding an “inactive license” may not practice. To re-establish active status, a veterinarian whose license has been inactive for less than one year must request reinstatement to active status in writing, complete 15 hours of continuing education, and pay all back renewal fees; and, a veterinarian whose license has been inactive for more than one year must request reinstatement to active status in writing, complete 30 hours of continuing education and pay all back renewal fees. During the initial biennium, he must complete the same hours of continuing education as an initial licensee.

(f) Georgia Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists.

(1) Inactive licensure status is not available for Associate Professional Counselors or Associate Marriage and Family Therapist licensees.

1. A licensee who does not intend to practice in Georgia and who therefore does not intend to use the title Professional Counselor, Social Worker, or Marriage and Family Therapist may apply to convert an active license to inactive status. An individual who holds an inactive license will not be required to renew their license or to satisfy the biennial renewal requirements.

2. A license may remain inactive for no more than ~~six~~ five years from the date the status is converted to inactive by the administrative staff. If a licensee has not applied to reactivate their license before the ~~six-five~~ year deadline, the license will be revoked for failure to reactivate. ~~In order to obtain a new license, a person whose license has been revoked for failure to reactivate must apply for licensure by examination following the procedure set out in Chapter 135-3. The applicant must satisfy the current requirements for licensure set out in Chapter 135-5. In order to meet these requirements the applicant may use any qualifying education, experience and supervision, including any which was applied toward their previous application for licensure, but must, upon approval of their application by the board, take and pass the licensing examination.~~

3. A person who holds an active license may apply for inactive status in the following manner:

(i) ~~Request in writing that~~ Submit a completed, signed, notarized "Request for Inactive Status" application to the Board place the license into inactive status. There is no fee to apply for inactive status;

(ii) ~~Submit an affidavit affirming that while on inactive status the licensee will not in any way indicate or imply that they hold an active Georgia license; or use within the State of Georgia any words, letters, titles or figures which indicate or imply that they are a Professional Counselor, Social Worker, or Marriage and Family Therapist.~~

(iii ii) ~~Submit their biennial renewal~~ the license pocket card, but retain their decorative wall certificate with the application.

4. A person who holds an inactive license may apply to reactivate their license within five years or less from date active status was converted to inactive status by the administrative staff in the following manner:

(i) Submit an Application for Reactivation;

(ii) Submit the reactivation fee (see fee schedule);

(iii) Submit evidence that the licensee has ~~satisfied the current~~ obtained thirty five hours of continuing education pursuant to Board rule 135-9 within two years of the date of the application for reactivation. ~~requirement for renewal set out in Chapter 135-9.~~ Such evidence shall include a description of the continuing education activities completed, along with photostatic copies of the documentation outlined in Rule 135-9-.03.

5. Upon receipt of the application, the fee and continuing education documents , and upon approval by the Board shall reactivate the applicant's original license the license will be reactivated.

6. After five years of inactive status, an Application for **Reinstatement** must be filed pursuant to Board rule 135-6-.04.

(g) Georgia Board of Athletic Trainers.

1. A licensee who does not intend to hold themselves out as an athletic trainer or to practice in Georgia as an athletic trainer may apply to convert his/her active athletic trainer license into an inactive status. An individual who holds an inactive license will not be required to renew that license.

2. A licensee may maintain his/her license on inactive status for no more than five years. If licensee does not apply to reactivate his/ her license before the end of the five-year period, the license will be revoked for failure to reactivate. In order to obtain a new license, a person whose license has been revoked for failure to reactivate must apply for licensure by examination following the procedure set out in Chapter 53-3.

3. A licensee may apply for inactive status by submitting an affidavit to the Board requesting inactive status and affirming that while on inactive status he/she will not practice athletic training in Georgia or hold themselves out to the public as an athletic trainer in Georgia. The licensee shall forward their biennial renewal license card to the Board with their affidavit but shall be permitted to retain the decorative wall certificate.

4. The board will reactivate a license upon receipt of the following:

(i) Application for Reactivation;

(ii) Reactivation Fee (See Fee Schedule);

(iii) Evidence of completion of six hours of continuing education approved by the board for each year the license was inactive. However, no proof of continuing education will be

required of an applicant for reactivation who during the period that the Georgia license was inactive as (1) practicing with an active license in a jurisdiction that requires continuing education to maintain that license; or (2) practicing with NATA certification in a jurisdiction that has licensing requirement.

(h) Georgia State Board of Funeral Service.

1. A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for Inactive Status by completing an Application for Inactive Status and submitting the appropriate fee (see Fee Schedule) to the Board. Once the license is on inactive status, an embalmer or funeral director shall not practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status.

2. In order to be placed on Inactive Status, the license must be in good standing and the licensee must show that he/she has met continuing education hours, which will be required at their next renewal.

3. A funeral director or embalmer who wishes to reactivate an inactive license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education.

(i) If the request to reactivate is received more than two years but less than four years from the date on which Inactive Status was approved, the licensee must document five (5) continuing education hours.

(ii) If the request to reactive is received four or more years after the date on which Inactive Status was approved, the licensee must document ten (10) continuing education hours and take and pass the State Laws and Rules Examination, notwithstanding the fact that he/she may have passed the Laws and Rules Examination on a prior date.

(i) State Board of Registration for Professional Engineers and Land Surveyors.

1. A licensee who is over the age of 65 and retired; or who has become disabled may apply to the Board for inactive status by submitting the required application and paying the proper fee.

2. While on inactive status, a licensee is exempt from the payment of the biennial renewal fee and continuing education requirements.

3. An inactive licensee may not practice professional engineering or land surveying in this State.

4. An inactive license may be restored by filing the proper application; proof of continuing education requirements; and, approval and reactivation fee to be determined by the Board.

(j) Georgia Board of Chiropractic Examiners.

1. A Doctor of Chiropractic who holds a valid license to practice chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:

(i) Notifies the Board, in writing, that he or she chooses to retire from active practice of profession. Said license shall be considered inactive.

(ii) Shall not engage in the practice of chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services.

(iii) Shall not be required to obtain the necessary continuing education credits.

(iv) Shall not be assessed a renewal fee for the period that the license is inactive.

2. The practice of chiropractic with an inactive license shall be considered unlicensed

practice and is subject to disciplinary action.

3. Should a Doctor of Chiropractic holding an inactive license choose to return to active practice, following requirements must be met:

(i) Submit evidence at 20 hours of Board approved continuing education for each year or portion thereof during which his/her license has been inactive. In no event will the required number of hours exceed 100 that must be completed prior to reactivation of the license.

(ii) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.

(iii) An administrative fee of \$250 in addition to the applicable renewal fee for the period during which the license was inactive must be paid.

(iv) After five years of continuous inactive status, the Board may, at its discretion, require successful completion of the Special Purposes Examination for Chiropractic (SPEC).

(k) Georgia State Board of Physical Therapy.

1. Any licensee who is no longer practicing as a physical therapist or physical therapist assistant in the State of Georgia may request an inactive license status by filing an application for inactive status and paying the appropriate fee. Refer to the fee schedule.

(i) An individual holding inactive status may not practice as a physical therapist or work as a physical therapist assistant within the State of Georgia.

(ii) Any individual holding inactive status is not subject to the biennial renewal fees or continuing competence requirements.

(iii) An individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

(iv) Any individual holding inactive status may return to active status by meeting all requirements for reinstatement as outlined in Rule 490-4-.04.

(l) Georgia Board of Examiners of Licensed Dietitians.

1. The holder of an active license may request to place the license on inactive status by submitting a written request to the board no later than June 30th following the March 31st expiration date.

2. The holder of an inactive license that continues to practice is subject to disciplinary action for unlicensed practice.

3. An inactive license may be reinstated by application for Reinstatement as provided in Rule 157-2-.04(2).

4. The holder of an inactive license is required to obtain the required continuing professional education units that are obtained by active licensees.

(m) Georgia State Board of Architects and Interior Designers.

1. An architect or interior designer who has retired from the active practice of architecture or interior design, and is no longer practicing as an architect or interior designer in Georgia, may request an inactive license status by filing an application for inactive status and paying the appropriate fee.

2. An individual holding inactive status may not practice and may not offer architectural or interior design services. The term architect or interior designer may be used as long as it is not used to imply active practice or that architectural or interior design services are currently offered.

3. Any individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

4. Any individual holding inactive status is not subject to the biennial renewal fee or the professional development requirements.
 5. An individual may, at the discretion of the Board, have any inactive license reactivated by filing the required application as provided in Board Rules and Regulations.
- (n) State Licensing Board for Residential and General Contractors.
1. A residential or general contractor who holds a valid residential or general contractor's license in the State of Georgia may request the license be placed on inactive status under the following provisions:
 - (i) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession. Said license shall be considered inactive.
 - (ii) Shall not engage in contracting and shall not hold themselves out to the public as being available to provide contractor services.
 - (iii) Shall not be required to obtain the necessary continuing education credits.
 - (iv) Shall not be assessed a renewal fee for the period that the license is inactive.
 2. Contracting with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.
 3. Should contractor holding an inactive license choose to return to active status, the following requirements must be met:
 - (i) Submit evidence of attendance of the required Board approved continuing education for each biennium that the license was inactive.
 - (ii) Provide evidence that licensee is in good standing in all states in which he or she has ever been licensed. A reactivation fee as established by the board must be submitted with the application for reactivation.
 - (iii) Submit proof of current general liability insurance and workers' compensation as required by law for the license type that is to be reinstated.
 - (iv) Submit other proof of financial responsibility as is required for the license type that is to be reinstated.
 4. After 5 years of continuous inactive status, the Board may, at its discretion require successful passing of the contractor examination in the contractor field for the license that the contractor wishes to reinstate.

Authority: O.C.G.A. §43-1-22